



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

MANTHORPE *et al.*

Appl. No. 09/839,574

Filed: April 23, 2001

For: **Compositions and Methods for *in vivo* Delivery of Polynucleotide-Based Therapeutics**

Confirmation No.: 1437

Art Unit: 1635

Examiner: Schnizer, R.A.

Atty. Docket: 1530.0180002/EKS/EJH

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**Declaration of
Jukka Hartikka, Jennifer Meek, and Marston Manthorpe
Under 37 C.F.R. ' 1.132**

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

We, Jukka Hartikka, Jennifer Meek, and Marston Manthorpe, hereby declare and state as follows:

1. We are three of the four named inventors of the captioned application.
2. We, together with V. Bozoukova, D. Jones, R. Mahajan, M.K. Wloch, M. Sawdey, C. Buchner, L. Sukhu, K.M. Barnhart, A.M. Abai, and N. Shen, co-authored the paper entitled "Sodium phosphate enhances plasmid DNA expression *in vivo*," published in *Gene Therapy* 7: 1171-1182 (2000) ("Hartikka *et al.*,"), which has been cited by the Examiner in the captioned application as allegedly teaching or suggesting the "salt" element required in the pending claims.
3. The contributions of the named authors of the paper are as follows:
4. V. Bozoukova is employed in the Department of Cell Biology at Vical Incorporated. While under the direction of J. Hartikka, this individual carried out the